Group I: Claims 1-6, directed to an antibody or CDR or functional fragment having substantially the amino acid sequence SEQ ID NO:2 or SEQ ID NO:4;

Group II: Claims 7-9 and 16-18, directed to an isolated nucleotide encoding an amino acid sequence encoded by SEQ ID NO:1, SEQ ID NO:3, SEQ ID NO:5 or SEQ ID NO:7;

Group III: Claims 10-15, directed to an antibody or CDR or functional fragment having substantially the amino acid sequence SEQ ID NO:6 or SEQ ID NO:8;

Group IV: Claims 19-23 and 34 in part, directed to an antibody or functional fragment produced by the cell line H1140;

Group V: Claims 24-28 and 34 in part, directed to an antibody or functional fragment produced by the cell line H2420;

Group VI: Claims 29-33 and 34 in part, directed to an antibody or functional fragment produced by the cell line H935;

Group VII: Claims 35-36, directed to a method of reducing neoplastic cell proliferation comprising administering an antibody or functional fragment having SEQ ID NO:2 or SEQ ID NO:4;

Group VIII: Claims 37-38, directed to a method of reducing neoplastic cell proliferation comprising administering an antibody or functional fragment having SEQ ID NO:6 or SEQ ID NO:8;

Group IX: Claims 39-40 in part, directed to a method of reducing neoplastic cell proliferation comprising administering an antibody or functional fragment produced by cell line H1140;

Group X: Claims 39-40 in part, directed to a method of reducing neoplastic cell proliferation comprising administering an antibody or functional fragment produced by cell line H2420;

Group XI: Claims 39-40 in part, directed to a method of reducing neoplastic cell proliferation comprising administering an antibody or functional fragment produced by cell line H935;

Group XII: Claims 41-42, directed to a method of detecting a neoplastic cell in a sample comprising contacting the sample with an antibody or functional fragment having SEQ ID NO:2 or SEQ ID NO:4;

Group XIII: Claims 43-44, directed to a method of detecting a neoplastic cell in a sample comprising contacting the sample with an antibody or functional fragment having SEQ ID NO:6 or SEQ ID NO:8;

Group XIV: Claims 45-46 in part, directed to a method of detecting a neoplastic cell in a sample comprising contacting the sample with an antibody or functional fragment produced by a cell line H1140;

Group XV: Claims 45-46 in part, directed to a method of detecting a neoplastic cell in a sample comprising contacting the sample with an antibody or functional fragment produced by cell line H2420; and

Group XVI: Claims 45-46 in part, directed to a method of detecting a neoplastic cell in a sample comprising contacting the sample with an antibody or functional fragment produced by cell line H935.

Applicants elect with traverse the invention of Group I, claims 1-6, for prosecution on the merits. Applicant reserves the right to pursue prosecution of non-elected claims in a later filed application claiming the benefit of priority of the above-identified application.

Applicants respectfully traverse the restriction requirement for the reasons that follow, and request that the claims of elected Group I be examined together with the claims of Groups VII and XII, and similarly, that the tripartite claims of Groups III, VIII and XIII; Groups IV, IX and XIV; Groups V, X and XV; and Groups VI, XI and XVI each be rejoined into single Groups. The criteria for a proper restriction requirement are that (1) the inventions must be independent or distinct as claimed; and (2) there must be a serious burden on the Examiner if restriction is not otherwise required (MPEP § 803).

Applicants contend that the restricted claims are sufficiently inter-related that a search of Group I claims would substantially encompass the claims within Groups VII and XII. For example, a search of an antibody or functional fragment comprising a complementarity determining region (CDR) having substantially the amino acid sequence of SEQ ID NO:2 or SEQ ID NO:4 would substantially encompass a method for use of an antibody or functional fragment comprising a CDR having substantially the amino acid sequence of SEQ ID NO:2 or SEQ ID NO:4. Moreover, a search of the method of Groups VII or XII would necessarily reveal the recited antibody or functional

fragment of Group I. Therefore, a search of the above groups together would not present an undue burden to the Examiner.

Similarly, Groups III, IV, V and VI are directed to specific antibodies or functional fragments, and Groups VIII and XIII; IX and XIV; X and XV; and XI and XVI, respectively, are drawn to methods for use of the specific antibodies or functional fragments. As put forward above, Applicants contend that a search for the recited antibodies and functional fragments would encompass a search for methods of using the antibodies and functional fragments. Applicants therefore respectfully request that the Examiner rejoin the claims of the above Groups as indicated above.

Accordingly, Applicants respectfully request that the Examiner reconsider the restriction requirement and examine the claims of Groups VII and XII with the claims of elected Group I. Additionally, Applicants respectfully request that the tripartite claims of Groups III, VIII and XIII, Groups IV, IX and XIV; Groups V, X and XV; and Groups VI, XI and XVI each be rejoined into single Groups.

CONCLUSION

The Examiner is invited to call Cathryn Campbell or the undersigned agent if there are any questions relating to this application.

Respectfully submitted,

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